



MEDICAL BOARD OF WESTERN AUSTRALIA

COUNTERSIGNING PRESCRIPTIONS FOR PATIENTS OVERSEAS

Medical Board Policy
Adopted on 25 July 2006

Acknowledgement

The Board thanks the Medical Practitioners Board of Victoria for permission to adopt their Statement which has been modified to refer to the relevant Western Australian legislation.

The Medical Board of Western Australia has considered the issue of whether it is legal and/or ethical for an Australian doctor to counter-sign a prescription signed by a doctor in the United States of America, so that the American patient can access drugs sourced from Australia, which are cheaper than drugs obtained in the United States of America. The Board was made aware of a prescription drug importation scheme named I-SaveRx, which the Board understands has been established in the U.S. and enables American patients to access drugs from overseas.

It is the view of the Board that medical practitioners' participation in I-SaveRx or any similar scheme that involves the prescription of drugs for patients outside Australia would be illegal and unethical.

A medical practitioner who writes and/or signs a prescription for a patient for whom he or she has not examined could be held to have breached the Poisons Act 1964 ("the Act") and Poisons Regulations 1965 ("the Regulations")

Section 23 of the Act states:

"Subject to this Act -

...

(b) a medical practitioner, ...is authorised to have in his possession and to use, supply or sell in the lawful practice of his profession any poison;

...

(d) a medical practitioner, ...is authorised to write, issue or authorise a prescription or document prescribing the use, sale or supply of a drug of addition or a specified drug in the lawful practice of his profession;..."

A "poison" is defined as any substance included in a Schedule to the Act.

A "drug of addition" is defined as any substance included in Schedules 8 or 9 of the Act, whilst a "specified drug" is defined as any substance declared to be a specified drug under the Act.

Whilst there is no legislative definition of what is encompassed by the phrase "lawful practice of his profession", the Board considers that counter signing prescriptions for patients who reside outside Australia may not constitute the 'lawful practice' of medicine,

especially in situations where the practitioner has not examined the patient, or at the very least, had access to the patient's history.

Further, medical practitioners who write and sign prescriptions for patients whom they have not met or examined could be held to have engaged in unprofessional conduct under the Medical Act 1894 (WA).

The Board considers that it would also be unethical for a medical practitioner to prescribe drugs for a patient overseas who he or she has not examined. Only being directly involved in the clinical care of a patient is a doctor able to determine whether a drug would be suitable and helpful for the patient, and be unlikely to have any detrimental effects upon him or her. In addition, there is no way for a doctor to verify that a patient is not obtaining additional doses of the same drug from other sources, which could interfere with his or her treatment.